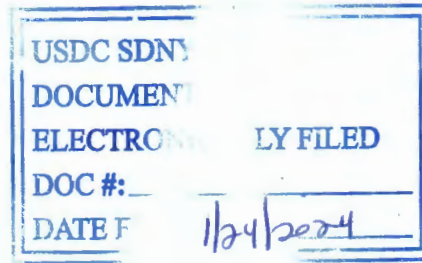


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X



JORGE RAMOS,

Plaintiff,

-against-

24 Civ. 370 (CM)

CITY OF NEW YORK, et al.,

Defendants.

X

ORDER DENYING IN FORMA PAUPERIS APPLICATION

McMahon, J.:

Mr. Ramos has applied for leave to proceed in this court without prepayment of fees, pursuant to 28 U.S.C. § 1915.

A district court has wide discretion to determine whether to waive the filing fee, especially in a civil action for damages, which this one is. 1 Moore's Federal Practice -- Civil §4.40 (on line edition). In this case two reasons counsel denial. First, while Mr. Ramos is by no means wealthy, he earns \$3,200 per month at a job and lists expenses of less than \$2,000 per month in his affidavit of indigency and no debts. Second, Mr. Ramos is not proceeding *pro se*. His lawsuit against the City of New York was filed by an attorney, Alexis Padilla, Esq. Counsel does not reveal his financial arrangement with Mr. Ramos, but the court is aware that, in the ordinary course, counsel take cases like this one on contingency, pursuant to a retainer agreement that gives them either a percentage of any award made to their clients or any statutory attorneys' fees as awarded by the court, whichever is greater. And in the ordinary course, counsel who take cases on contingency advance the filing fee for the matter on behalf of their client. Mr. Ramos' lawyer has not given the court a copy of his retainer agreement or explained why Mr. Ramos's case should be treated any differently than every other civil action filed on a contingent fee basis, with counsel advancing fees if his client cannot pay them. There may be circumstances that differentiate this case from the run of the mill civil action, but neither Mr. Ramos nor Mr. Padilla has made the court aware of them.

For these reasons I deny the application.

Dated: January 24, 2024

A handwritten signature in blue ink, appearing to read 'Alexis Padilla', written over a horizontal line.

U.S.D.J.

BY ECF TO ALL COUNSEL